

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,
5 Respondent/Plaintiff,
6 v.
7 CARLOS JAVIER LOPEZ,
8 Petitioner/Defendant.
9

Case No. 2:04-cr-375-APG-GWF

ORDER DISMISSING MOTION

(ECF No. 162)

10 Defendant Carlos Lopez filed a second motion to vacate under § 2255. ECF No. 162.
11 This second motion was stayed as a “second or successive” motion so that Lopez could seek
12 permission to file it from the Court of Appeals for the Ninth Circuit. ECF No. 163. After several
13 months without any updates from Lopez, I ordered him to inform the court of the status of his
14 appeal. ECF No. 168. Lopez did so, relating reasons that he has been delayed in filing his motion
15 with the Court of Appeals, and requesting additional time to complete his motion there. Finding
16 good cause, I gave Lopez one more chance to complete his filing at the Court of Appeals and
17 ordered that he file a response by September 5, 2017, informing the court of the status of his
18 appeal, including the date he filed papers with the Ninth Circuit seeking permission for his second
19 or successive petition. ECF No. 171. I advised Lopez that failure to timely file a response to this
20 order will result in denial of the motion. Lopez did not file a response.

21 IT IS THEREFORE ORDERED that Carlos Javier Lopez’s motion for 28 U.S.C.
22 § 2255(a) relief (ECF No. 162) is **DENIED**.

23 DATED this 5th day of December, 2017.

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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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